

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**UNITED FAMILY PHARMACY, LLC;  
DBA UNITED FAMILY PHARMACY, PHY 55735**

**and**

**JOHN CLAY BLANKS, RPH 46087**

**and**

**AFM N. HASAN, RPH 36127**

**Respondents**

**Case number 6803**

**OAH No. 2020070466**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on February 4, 2021.

It is so ORDERED on January 5, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 STEPHEN A. ARONIS  
Deputy Attorney General  
4 State Bar No. 204995  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
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*Attorneys for Complainant*  
8

9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **UNITED FAMILY PHARMACY, LLC,**  
15 **DBA UNITED FAMILY PHARMACY**  
1221 S. San Jacinto Ave  
San Jacinto, CA 92583

16 Pharmacy Permit No. PHY 55735,

17 **JOHN CLAY BLANKS**  
725 E. San Lorenzo Road #5  
18 Palm Springs, CA 92264

19 Pharmacist License No. RPH 46087,

20 and

21 **AFM N. HASAN**  
41235 Polly Butte Road  
22 Hemet, CA 92544

23 Pharmacist License No. RPH 36127

24 Respondents.  
25  
26  
27  
28

Case No. 6803

OAH No. 2020070466

**STIPULATED SURRENDER OF  
LICENSE AND ORDER AS TO UNITED  
FAMILY PHARMACY, LLC, DBA  
UNITED FAMILY PHARMACY**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
5 (Board). She brought this action solely in her official capacity and is represented in this matter by  
6 Xavier Becerra, Attorney General of the State of California, by Stephen A. Aronis, Deputy  
7 Attorney General.

8 2. United Family Pharmacy, LLC, dba United Family Pharmacy (Respondent United  
9 Family Pharmacy) is acting in this proceeding through Steven Dimemmo, its Member who has  
10 been designated and authorized by Respondent United Family Pharmacy to enter into this  
11 agreement on its behalf. Respondent United Family Pharmacy represented in this proceeding by  
12 attorneys Tony J. Park and Luis Andre P. Vizcocho of California Pharmacy Lawyers, 55 Cetus,  
13 1<sup>st</sup> Floor, Irvine, CA 92618.

14 3. On or about August 31, 2017, the Board issued Pharmacy Permit No. PHY 55735 to  
15 Respondent United Family Pharmacy. The Pharmacy Permit was in full force and effect at all  
16 times relevant to the charges brought in Accusation No. 6803 and will expire on August 1, 2021,  
17 unless renewed.

18 **JURISDICTION**

19 4. Accusation No. 6803 was filed before the Board, and is currently pending against  
20 Respondent United Family Pharmacy. The Accusation and all other statutorily required  
21 documents were properly served on Respondent United Family Pharmacy on April 6, 2020.  
22 Respondent United Family Pharmacy timely filed its Notice of Defense contesting the  
23 Accusation. A copy of Accusation No. 6803 is attached as Exhibit A and incorporated by  
24 reference.

25 **ADVISEMENT AND WAIVERS**

26 5. Respondent United Family Pharmacy has carefully read, fully discussed with counsel,  
27 and understands the charges and allegations in Accusation No. 6803. Respondent United Family  
28

1 Pharmacy also has carefully read, fully discussed with counsel, and understands the effects of this  
2 Stipulated Surrender of License and Order.

3 6. Respondent United Family Pharmacy is fully aware of its legal rights in this matter,  
4 including the right to a hearing on the charges and allegations in the Accusation; the right to  
5 confront and cross-examine the witnesses against it; the right to present evidence and to testify on  
6 its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and  
7 the production of documents; the right to reconsideration and court review of an adverse decision;  
8 and all other rights accorded by the California Administrative Procedure Act and other applicable  
9 laws.

10 7. Respondent United Family Pharmacy voluntarily, knowingly, and intelligently waives  
11 and gives up each and every right set forth above.

### 12 **CULPABILITY**

13 8. Respondent United Family Pharmacy understands that the charges and allegations in  
14 Accusation No. 6803, if proven at a hearing, constitute cause for imposing discipline upon its  
15 Pharmacy Permit.

16 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
17 further proceedings, Respondent United Family Pharmacy agrees that, at a hearing, Complainant  
18 could establish a factual basis for the charges in the Accusation and that those charges constitute  
19 cause for discipline. Respondent United Family Pharmacy hereby gives up its right to contest  
20 that cause for discipline exists based on those charges.

21 10. Respondent United Family Pharmacy understands that by signing this stipulation, it  
22 enables the Board to issue an order accepting the surrender of its Pharmacy Permit without further  
23 process.

### 24 **CONTINGENCY**

25 11. This stipulation shall be subject to approval by the Board. Respondent United Family  
26 Pharmacy understands and agrees that counsel for Complainant and the staff of the Board may  
27 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
28 participation by Respondent United Family Pharmacy or its counsel. By signing the stipulation,

1 Respondent United Family Pharmacy understands and agrees that it may not withdraw its  
2 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.  
3 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and  
4 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
5 in any legal action between the parties, and the Board shall not be disqualified from further action  
6 by having considered this matter.

7 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
8 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
9 thereto, shall have the same force and effect as the originals.

10 13. This Stipulated Surrender of License and Order is intended by the parties to be an  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
14 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
15 executed by an authorized representative of each of the parties.

16 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Board may, without further notice or formal proceeding, issue and enter the following Order:

18 **ORDER**

19 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 55735, issued to Respondent  
20 United Family Pharmacy, is surrendered and accepted by the Board. The effective date of the  
21 Decision as to Respondent United Family Pharmacy's permit surrender, however, shall be stayed  
22 for 120 days from the effective date of the Decision adopting this Stipulated Surrender of License  
23 and Order, at which time the pharmacy shall be sold or closed.

24 1. The surrender of Respondent United Family Pharmacy's Pharmacy Permit and the  
25 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
26 against Respondent United Family Pharmacy. This stipulation constitutes a record of the  
27 discipline and shall become a part of Respondent United Family Pharmacy's license history with  
28 the Board of Pharmacy.

2. Respondent United Family Pharmacy shall lose all rights and privileges as a pharmacy in California as of the effective date of the Board's Decision and Order.

3. Respondent United Family Pharmacy shall cause to be delivered to the Board its pocket license and, if one was issued, its wall certificate on or before 120 days following the effective date of the Decision and Order.

4. If Respondent United Family Pharmacy ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent United Family Pharmacy must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6803 shall be deemed to be true, correct and admitted by Respondent United Family Pharmacy when the Board determines whether to grant or deny the application or petition.

5. If Respondent United Family Pharmacy should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 6803 shall be deemed to be true, correct, and admitted by Respondent United Family Pharmacy for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent United Family Pharmacy understands and agrees if it should ever apply for a new or reinstated license, Respondent United Family Pharmacy shall be responsible for paying to the Board, pursuant to Business and Professions Code section 125.3, the costs of its investigation and prosecution in the amount of \$16,722.56 prior to the issuance of a new or reinstated license.

7. In the event that Respondent United Family Pharmacy is not sold within 120 days of the effective date of this Decision, Respondent United Family Pharmacy shall, within ten (10) days of the stayed effective date of the Board's order, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the Board of all controlled substances and dangerous drugs and devices. Respondent United Family Pharmacy shall further provide written proof of

1 such disposition and submit a completed Discontinuance of Business form according to Board  
2 guidelines.

3 Respondent United Family Pharmacy's owner shall also, by the effective date of this  
4 decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at  
5 minimum, providing a written notice to ongoing patients that specifies the anticipated closing  
6 date of the pharmacy and that identifies one or more area pharmacies capable of taking up the  
7 patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions  
8 for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients,  
9 Respondent United Family Pharmacy owner shall provide a copy of the written notice to the  
10 Board. For the purposes of this provision, "ongoing patients" means those patients for whom the  
11 pharmacy has on file a prescription with one or more refills outstanding, or for whom the  
12 pharmacy has filled a prescription within the preceding 60 days.

13 8. Respondent United Family Pharmacy may not apply, reapply, or petition for any  
14 Board-issued licensure or registration for 3 years from the effective date of the Decision and  
15 Order.

16 **ACCEPTANCE**

17 I, Steven Dimemmo, Member, have been authorized to act on Respondent United Family  
18 Pharmacy's behalf in this matter, and have carefully read the above Stipulated Surrender of  
19 License and Order and have fully discussed it with our attorneys Tony J. Park and Luis Andre P.  
20 Vizcocho. Respondent United Family Pharmacy understands the stipulation and the effect it will  
21 have on its Pharmacy Permit. On behalf of Respondent United Family Pharmacy, as its  
22 authorized representative, I enter into this Stipulated Surrender of License and Order voluntarily,  
23 knowingly, and intelligently, and Respondent United Family Pharmacy agrees to be bound by the  
24 Decision and Order of the Board of Pharmacy.

25 DATED: \_\_\_\_\_

26 For UNITED FAMILY PHARMACY, LLC,  
27 DBA UNITED FAMILY PHARMACY

28 *Respondent*

*Name: Steven Dimemmo*

*Title: Member*

*Authorized Representative*



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2 guidelines.


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21 have on its Pharmacy Permit. On behalf of Respondent United Family Pharmacy, as its  
22 authorized representative, I enter into this Stipulated Surrender of License and Order voluntarily,  
23 knowingly, and intelligently, and Respondent United Family Pharmacy agrees to be bound by the  
24 Decision and Order of the Board of Pharmacy.

25 DATED: 11-19-2020

  
26 For UNITED FAMILY PHARMACY, LLC,  
27 DBA UNITED FAMILY PHARMACY  
28 Respondent  
Name: Steven Dimemmo  
Title: Member  
Authorized Representative

1 I have read and fully discussed with Respondent United Family Pharmacy, LLC, dba  
2 United Family Pharmacy the terms and conditions and other matters contained in this Stipulated  
3 Surrender of License and Order. I approve its form and content.

4 DATED: \_\_\_\_\_

\_\_\_\_\_  
LUIS ANDRE P. VIZCOCHO  
*Attorney for Respondent United Family  
Pharmacy, LLC, DBA United Family  
Pharmacy*

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 DATED: \_\_\_\_\_

Respectfully submitted,

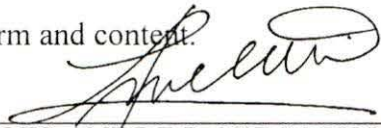
11 XAVIER BECERRA  
12 Attorney General of California  
13 GREGORY J. SALUTE  
Supervising Deputy Attorney General

14  
15 STEPHEN A. ARONIS  
16 Deputy Attorney General  
*Attorneys for Complainant*

17  
18  
19 SD2019702373  
82606494.docx

1 I have read and fully discussed with Respondent United Family Pharmacy, LLC, dba  
2 United Family Pharmacy the terms and conditions and other matters contained in this Stipulated  
3 Surrender of License and Order. I approve its form and content.

4 DATED: 11/19/2020

  
\_\_\_\_\_  
LUIS ANDRE P. VIZCOCHO  
*Attorney for Respondent United Family  
Pharmacy, LLC, DBA United Family  
Pharmacy*

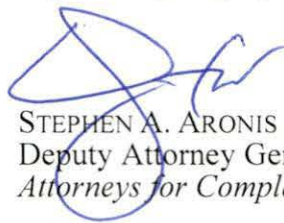
7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 DATED: 11/19/20

Respectfully submitted,

11 XAVIER BECERRA  
12 Attorney General of California  
13 GREGORY J. SALUTE  
Supervising Deputy Attorney General

14   
15 STEPHEN A. ARONIS  
16 Deputy Attorney General  
*Attorneys for Complainant*

17  
18  
19 SD2019702373  
82606494.docx

**Exhibit A**

**Accusation No. 6803**

1 XAVIER BECERRA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 STEPHEN A. ARONIS  
Deputy Attorney General  
4 State Bar No. 204995  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2581  
*Attorneys for Complainant*  
8

9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 6803

14 **UNITED FAMILY PHARMACY, LLC,**  
15 **DBA UNITED FAMILY PHARMACY**  
1221 S. San Jacinto Ave  
San Jacinto, CA 92583

**ACCUSATION**

16 **Pharmacy Permit No. PHY 55735,**

17 **AFM N. HASAN**  
18 **41235 Polly Butte Road**  
Hemet, CA 92544

19 **Pharmacist License No. RPH 36127,**

20 **and**

21 **JOHN CLAY BLANKS**  
22 **725 E. San Lorenzo Road #5**  
Palm Springs, CA 92264

23 **Pharmacist License No. RPH 46087**

24 Respondents.  
25  
26  
27  
28

1 **PARTIES**

2 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
3 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

4 2. On or about August 31, 2017, the Board issued Pharmacy Permit Number PHY  
5 55735 to United Family Pharmacy, LLC, dba United Family Pharmacy (Respondent United  
6 Family Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the  
7 charges brought herein and will expire on August 1, 2020, unless renewed.

8 3. On or about December 24, 1980, the Board issued Pharmacist License Number RPH  
9 36127 to Afm N. Hasan (Respondent Hasan). The Pharmacist License was in full force and  
10 effect at all times relevant to the charges brought herein and will expire on October 31, 2020,  
11 unless renewed. Respondent Hasan was the pharmacist-in-charge for Respondent United Family  
12 Pharmacy between December 18, 2017, and January 7, 2019.

13 4. On or about March 18, 1993, the Board issued Pharmacist License Number RPH  
14 46087 to John Clay Blanks (Respondent Blanks). The Pharmacist License was in full force and  
15 effect at all times relevant to the charges brought herein and will expire on August 31, 2020,  
16 unless renewed. Respondent Blanks was the pharmacist-in-charge for Respondent United Family  
17 Pharmacy between January 8, 2019, and March 22, 2019.

18 **JURISDICTION**

19 5. This Accusation is brought before the Board under the authority of the following  
20 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
21 indicated.

22 6. Section 4011 of the Code provides that the Board shall administer and enforce both  
23 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
24 Act [Health & Safety Code, § 11000 et seq.].

25 7. Section 4300, subdivision (a) of the Code provides that every license issued by the  
26 Board may be suspended or revoked.

1 8. Section 4300.1 of the Code states:

2 The expiration, cancellation, forfeiture, or suspension of a board-issued  
3 license by operation of law or by order or decision of the board or a court of law,  
4 the placement of a license on a retired status, or the voluntary surrender of a  
5 license by a licensee shall not deprive the board of jurisdiction to commence or  
6 proceed with any investigation of, or action or disciplinary proceeding against, the  
7 licensee or to render a decision suspending or revoking the license.

## 8 **STATUTORY PROVISIONS**

9 9. Section 4022 of the Code states

10 "Dangerous drug" or "dangerous device" means any drug or device unsafe  
11 for self-use in humans or animals, and includes the following:

12 (a) Any drug that bears the legend: "Caution: federal law prohibits  
13 dispensing without prescription," "Rx only," or words of similar import.

14 (b) Any device that bears the statement: "Caution: federal law restricts this  
15 device to sale by or on the order of a \_\_\_\_\_" "Rx only," or words of similar import,  
16 the blank to be filled in with the designation of the practitioner licensed to use or  
17 order use of the device.

18 (c) Any other drug or device that by federal or state law can be lawfully  
19 dispensed only on prescription or furnished pursuant to Section 4006.

20 10. Section 4081 of the Code states:

21 (a) All records of manufacture and of sale, acquisition, or disposition of  
22 dangerous drugs or dangerous devices shall be at all times during business hours open  
23 to inspection by authorized officers of the law, and shall be preserved for at least  
24 three years from the date of making. A current inventory shall be kept by every  
25 manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,  
26 dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
27 establishment holding a currently valid and unrevoked certificate, license, permit,  
28 registration, or exemption under Division 2 (commencing with Section 1200) of the  
Health and Safety Code or under Part 4 (commencing with Section 16000) of  
Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary  
food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge  
or representative-in-charge, for maintaining the records and inventory described in  
this section.

(c) The pharmacist-in-charge or representative-in-charge shall not be criminally  
responsible for acts of the owner, officer, partner, or employee that violate this  
section and of which the pharmacist-in-charge or representative-in-charge had no  
knowledge, or in which he or she did not knowingly participate.

1           11.   Section 4105, subdivision (a) of the Code states:

2                 All records or other documentation of the acquisition and disposition of  
3                 dangerous drugs and devices by any entity licensed by the board shall be retained on  
4                 the licensed premises in a readily retrievable form.

5           12.   Section 4113, subdivision (c) of the Code states:

6                 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
7                 with all state and federal laws. and regulations pertaining to the practice of pharmacy.

8           13.   Section 4301 of the Code states in pertinent part:

9                 The board shall take action against any holder of a license who is guilty of  
10                 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
11                 conduct shall include, but is not limited to, any of the following:

12                 ...

13                 (j) The violation of any of the statutes of this state, or any other state, or of the  
14                 United States regulating controlled substances and dangerous drugs.

15                 ...

16                 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
17                 abetting the violation of or conspiring to violate any provision or term of this chapter  
18                 or of the applicable federal and state laws and regulations governing pharmacy,  
19                 including regulations established by the board or any other state or federal regulatory  
20                 agency....

21           14.   Section 4307, subdivision (a) of the Code states that:

22                 Any person who has been denied a license or whose license has been revoked  
23                 or is under suspension, or who has failed to renew his or her license while it was  
24                 under suspension, or who has been a manager, administrator, owner member, officer,  
25                 director, associate, or partner of any partnership, corporation, firm, or association  
26                 whose application for a license has been denied or revoked, is under suspension or  
27                 has been placed on probation, and while acting as the manger, administrator, owner,  
28                 member, officer, director, associate, or partner had knowledge or knowingly  
29                 participated in any conduct for which the license was denied, revoked, suspended, or  
30                 placed on probation, shall be prohibited from serving as a manger, administrator,  
31                 owner, member, officer, director, associate, or partner of a licensee as follows:

32                 (1) Where a probationary license is issued or where an existing license is placed  
33                 on probation, this prohibition shall remain in effect for a period not to exceed five  
34                 years.

35                 (2) Where the license is denied or revoked, the prohibition shall continue until  
36                 the license is issued or reinstated.



15. Health and Safety Code section 11165(d) states:

For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy or clinic shall provide the following information to the Department of Justice on a weekly basis and in a format specified by the Department of Justice:

(1) Full name, address, and the telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, and federal controlled substance registration number.

(4) NDC (National Drug Code) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) ICD-9 (diagnosis code), if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

#### **REGULATORY PROVISIONS**

16. Section 1714, subdivisions (b) and (d) of title 16, California Code of Regulations state:

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

17. California Code of Regulations, title 16, section 1718, states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

### **COST RECOVERY**

18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **DRUGS**

19. Alprazolam is a Schedule IV controlled substance pursuant to Health & Safety Code section 11057, subdivision (d) (1) and a dangerous drug pursuant to Business and Professions Code section 4022. It is a drug of high abuse and diversion potential.

20. Phenergan with Codeine is the brand name for promethazine with codeine syrup, and is a Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a drug of high abuse and diversion potential.

### **FACTUAL ALLEGATIONS**

21. Respondent United Family Pharmacy is a community pharmacy located in San Jacinto, California. From December 18, 2017 through January 7, 2019, Respondent Hasan was the Pharmacist-in-Charge of Respondent United Family Pharmacy. From January 8, 2019 to the March 22, 2019, Respondent Blanks was the Pharmacist-in-Charge of Respondent United Family Pharmacy.

1           22. From August 31, 2017 through April 8, 2019, Respondents did not dispense  
2 promethazine with codeine, but Respondent United Family Pharmacy ordered unusually large  
3 amounts of promethazine with codeine and alprazolam. Respondents' wholesaler delivered that  
4 promethazine with codeine and alprazolam to Respondent United Family Pharmacy.  
5 Respondents Hasan and Blanks both signed for the delivery of those drugs during their respective  
6 tenures.

7           23. There was one "log-in" and one shared password to place orders for controlled  
8 substances from the wholesaler. Anyone with access to the pharmacy's computers could place  
9 orders for controlled substances on any of the pharmacy's computers. Respondent Blanks relied  
10 on a pharmacy technician to order controlled substances from Respondent United Family  
11 Pharmacy's wholesaler because he was unfamiliar with the pharmacy's computer software.

12           24. From August 31, 2017 through April 8, 2019, Respondent United Family Pharmacy  
13 lost or could not account for approximately 72,842 mL or 154 pints of promethazine with codeine  
14 and 1,995 tablets of alprazolam immediate-release 2 mg.

15           25. From December 18, 2017 through January 3, 2019, Respondent Hasan lost or could  
16 not account for approximately 42,570 mL or 90 pints of promethazine with codeine.

17           26. From January 3, 2019 through March 22, 2019, Respondent Blanks lost or could not  
18 account for approximately 15,136 mL or 32 pints of promethazine with codeine.

19           27. Respondent's wholesaler conducted an investigation of Respondents' purchases of  
20 controlled substances and concluded there were "above market norm purchases of promethazine  
21 with codeine," noting that Respondent United Family Pharmacy had purchased sixteen bottles of  
22 promethazine with codeine every month since July 2018 (except for October 2018 when there  
23 was a supplier shortage). Effective May 6, 2019, Respondent United Family Pharmacy's  
24 wholesaler made the decision to make Respondent United Family Pharmacy ineligible to  
25 purchase controlled substances.

26           28. Respondents United Family Pharmacy and Hasan failed to comply with the  
27 requirements of the Controlled Substance Utilization Review and Evaluation System Reporting  
28 (CURES), as set forth in Health and Safety Code section 11165(d), in that they failed to report the

1 dispensing of thirty controlled substance prescriptions to the California Department of Justice  
2 from August 31, 2017 through January 7, 2019. Without these records, other healthcare  
3 professionals were deprived of access to relevant CURES information from Respondents for  
4 these this time period, thus depriving them of essential information with which to make informed  
5 decisions regarding the safe prescribing and dispensing of controlled substances. Supplying  
6 controlled substances to patients who duplicate medications can lead to patient harm.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Current Inventory against All Respondents)**

9 29. Respondents are subject to disciplinary action under Code section 4301, subdivision  
10 (o), for violating Code section 4081, subdivision (a) and 4105, subdivision (a) and Title 16,  
11 California Code of Regulations, section 1718, in that all Respondents did not maintain a current  
12 inventory of promethazine with codeine and alprazolam immediate release 2 mg, as set forth in  
13 paragraphs 21 through 27, above, which are incorporated herein by reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Security of Drugs Against All Respondents)**

16 30. Respondents are subject to disciplinary action under Code section 4301, subdivision  
17 (o), for violating California Code of Regulations, title 16, section 1714, subdivisions (b) and (d),  
18 in that they failed to maintain the security of promethazine with codeine and alprazolam  
19 immediate release 2mg, as set forth in paragraphs 21 through 27, above, which are incorporated  
20 herein by reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Failure to Report to CURES Against**

23 **Respondents United Family Pharmacy and Hasan)**

24 31. Respondents United Family Pharmacy and Hasan are subject to disciplinary action  
25 under section 4301, subdivision (o) for violation of section Health and Safety Code section  
26 11165, subdivision (d) for repeatedly failing to report to the California Department of Justice, on  
27 a weekly basis, their controlled substance dispensing of 30 prescriptions, as described in  
28 paragraphs 21 and 28, above, which are incorporated herein by reference.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct Against All Respondents)**

3 32. Respondents are subject to disciplinary action under Code section 4301 for  
4 unprofessional conduct in that they engaged in the activities described in paragraphs 21 through  
5 28, above, which are incorporated herein by reference.

6 **OTHER MATTERS**

7 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
8 55735 issued to United Family Pharmacy, LLC, dba United Family Pharmacy, United Family  
9 Pharmacy, LLC, dba United Family Pharmacy shall be prohibited from serving as a manager,  
10 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
11 Pharmacy Permit Number PHY 55735 is placed on probation or until Pharmacy Permit Number  
12 PHY 55735 is reinstated if it is revoked.

13 34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
14 55735 issued to United Family Pharmacy, LLC, dba United Family Pharmacy while Afm N.  
15 Hasan has been an owner or manager and had knowledge of or knowingly participated in any  
16 conduct for which the licensee was disciplined, Afm N. Hasan shall be prohibited from serving as  
17 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
18 five years if Pharmacy Permit Number PHY 55735 is placed on probation or until Pharmacy  
19 Permit Number PHY 55735 is reinstated if it is revoked.

20 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
21 55735 issued to United Family Pharmacy, LLC, dba United Family Pharmacy while John Clay  
22 Blanks has been an owner or manager and had knowledge of or knowingly participated in any  
23 conduct for which the licensee was disciplined, John Clay Blanks shall be prohibited from serving  
24 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
25 for five years if Pharmacy Permit Number PHY 55735 is placed on probation or until Pharmacy  
26 Permit Number PHY 55735 is reinstated if it is revoked.

27 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
28 RPH 36127 issued to Afm N. Hasan, Afm N. Hasan shall be prohibited from serving as a

1 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
2 five years if Pharmacist License Number RPH 36127 is placed on probation or until Pharmacist  
3 License Number RPH 36127 is reinstated if it is revoked.

4 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
5 RPH 46087 issued to John Clay Blanks, John Clay Blanks shall be prohibited from serving as a  
6 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
7 five years if Pharmacist License Number RPH 46087 is placed on probation or until Pharmacist  
8 License Number RPH 46087 is reinstated if it is revoked.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacy Permit Number PHY 55735, issued to United  
13 Family Pharmacy, LLC, dba United Family Pharmacy;

14 2. Revoking or suspending Pharmacist License Number RPH 36127, issued to Afm N.  
15 Hasan;

16 3. Revoking or suspending Pharmacist License Number RPH 46087, issued to John  
17 Clay Blanks;

18 4. Prohibiting United Family Pharmacy, LLC, dba United Family Pharmacy from  
19 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
20 licensee for five years if Pharmacy Permit Number PHY 55735 is placed on probation or until  
21 Pharmacy Permit Number PHY 55735 is reinstated if Pharmacy Permit Number PHY 55735  
22 issued to United Family Pharmacy, LLC, dba United Family Pharmacy is revoked;

23 5. Prohibiting Afm N. Hasan from serving as a manager, administrator, owner, member,  
24 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number  
25 PHY 55735 is placed on probation or until Pharmacy Permit Number PHY 55735 is reinstated if  
26 Pharmacy Permit Number PHY 55735 issued to United Family Pharmacy, LLC, dba United  
27 Family Pharmacy is revoked;

1           6.     Prohibiting John Clay Blanks from serving as a manager, administrator, owner,  
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
3 Number PHY 55735 is placed on probation or until Pharmacy Permit Number PHY 55735 is  
4 reinstated if Pharmacy Permit Number PHY 55735 issued to United Family Pharmacy, LLC, dba  
5 United Family Pharmacy is revoked;

6           7.     Prohibiting Afm N. Hasan from serving as a manager, administrator, owner, member,  
7 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number  
8 RPH 36127 is placed on probation or until Pharmacist License Number RPH 36127 is reinstated  
9 if Pharmacist License Number RPH 36127 issued to Afm N. Hasan is revoked;

10          8.     Prohibiting John Clay Blanks from serving as a manager, administrator, owner,  
11 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
12 Number RPH 46087 is placed on probation or until Pharmacist License Number RPH 46087 is  
13 reinstated if Pharmacist License Number RPH 46087 issued to John Clay Blanks is revoked;

14          9.     Ordering United Family Pharmacy, LLC, dba United Family Pharmacy, Afm N.  
15 Hasan and John Clay Blanks to pay the Board of Pharmacy the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to Business and Professions Code section  
17 125.3; and,

18          10.    Taking such other and further action as deemed necessary and proper.

19  
20       DATED:    March 30, 2020



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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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